UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,534	05/01/2001	Lev Novik	MS1-694US	4018

22801 7590 08/30/2004

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER	
BULLOCK JR, LEWIS ALEXANDER	
ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/847,534	NOVIK ET AL.	
	Examiner	Art Unit	
	Lewis A. Bullock, Jr.	2126	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-43*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

L A Bullock Jr

LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments are unpersuasive. Applicant argues that Walker does not teach a correlation function as disclosed in Applicant's application. Applicant refers to page 16, lines 17-19 wherein an example correlation function generates an email message when two different server crashes occur within five seconds of one another. The examiner disagrees. The examiner first details that the claims are not limited to the example disclosed by Applicant. The examiner also makes reference to page 6, lines 13-17 of Applicant's specification wherein correlation is performed by allowing the user to define state classes, configure actions that change the state, and link the occurrence of events to those actions. Walker teaches a plurality of FSMInstances that are capable of correlating external events (messages) to one another via internal events (col. 7, lines 47-63). The FSMInstances process the external events and determine if a state change is required (col. 7, lines 38-41). If a state change is required the FSMInstance calls the state objects exit member function and the next states enter member function (col. 9, lines 37-57). Therefore, the FSMInstances receive events (external messages); apply the events to a state machine correlation function (via sending the external messages to an initial FSMInstance); and generating a specific event (state change call to the state object / internal event if the initial FSMInstance is satisfied that it doesn't handle the external message) if the correlation funciton is satisfied by the events. It is noted that how Applicant argues the correlation function to be satisfied may be different from what the Examiner's has disclosed, however the claim limitation does not set forth the interpretation of the satisfaction of a correlation function and as proper under M.P.E.P. 2111, the Examiner must give the broadest possible interpretation consistent with the specification in examining the claims. As disclosed above, the specification allows for the correlation to invoke actions based on events received. Therefore, the claims are interpreted as such. Applicant states that data elements may include "the available disk space, the current memory utilization, and the number of users logged into particular servers". Applicant then argues that Walker does not teach the correlation of data elements and events as disclosed. The examiner disagrees. First, the examiner points out that "the available disk space, the current memory utilization, and the number of users logged into particular servers" are cited examples of data elements. The claims are not limited to these examples. A data element in the broadest interpretation is an element that contains or stores data. In essence, an event or sub-elements of an event is a form of a data element. Walker teaches each message has a symbolic message identifier. Therefore, the symbolic message identifier is a data element. As detailed above, Walker teaches correlating the messages (event) and their corresponding data elements (symbolic message identifier) to a correlation function (FSMInstance) and generating an event (internal event / exit function call / enter function call) if the message is satisfied (via passing the message to another state machine if satisfied that the initial FSMInstance does not handle the external message or calling the states exit and enter functions). Applicant argues that Walker does not teach identifying a schema for creating state machines to correlate events. The examiner disagrees. The claims only detail that the schema is used to create state machines and the state machines correlate events. The claims do not detail that the schema is used to create state machines and detail how they correlate events as argued by Applicant. Walker teaches the configuration file is used for creating and defining objects, including the FSMInstance which is used to correlate events as disclosed above. Therefore, the claims meet the limitions as disclosed. Walker also teaches that an programmer (update consumer) can modify the configuration file. It is inherent within the teachings of Walker that since the FSMInstance is defined by the configuration file that a programmer applies updates to the FSMInstance by modifying the configuration file. Also, since external events submitted causes the FSMInstance to change states, the sender of the external event to the FSMInstance is also an update consumer. Therefore, since all of the limitations are met by Walker as disclosed in the final rejection and answered herein the rejection is maintained.